

October 16, 2019

A regular meeting of the Fire Commissioners of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison NY, Westchester County, on Wednesday, October 16, at 7:00 PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont.....)
Richard Dionisio.....)
Frank Gordon.....).....Fire Commissioners
Fred Sciliano.....)

MEMBERS ABSENT:

Stephen Malfitano).....Fire Commissioner

October 16, 2019

2019- -F- -001

APPROVAL TO HOLD A REFERENDUM VOTE ON THE ESTABLISHMENT OF
A SERVICE AWARD PROGRAM FOR
THE ACTIVE VOLUNTEER FIREFIGHTER MEMBERS

Whereas, a proposal has been made to establish a Service Award Program for active volunteer firefighter members of the Harrison Fire Department.

Now, Therefore, Be It Resolved That:

Section 1 The Board of Fire Commissioners of the Harrison Water District No. 2, as authorized by Article 11-A of the New York State General Municipal Law, directs that there shall be a public referendum of eligible voters of the Harrison Water District No. 2 to determine whether such Service Award Program shall be established effective January 1, 2020. This referendum will take place on December 10, 2019 from 3:00 PM to 9:00 PM at the Fire House of Fire District #2.

Section 2 The type of program shall be a defined benefit plan as described in Section 219 of Article 11-A. All active volunteer firefighters who are at least 18 years old and who are active volunteer firefighter members of the Harrison Fire Department, in accordance with such Fire Department's by-laws, shall be eligible to become Service Award Program Participants. Unless they waive participation, an eligible volunteer age 18 or older, shall become a Participant on December 31 of the first calendar year after calendar year 2019 during which he or she earns a year of Service Award Program service credit.

Section 3 This Service Award Program shall be administered and operated by the Harrison Water District No. 2 Board of Fire Commissioners through recommendations from the Service

Award Committee (i.e., the "SAC"). The SAC shall consist of representatives from the Fire District and the Harrison Fire Department.

Section 4 Harrison Fire Department active volunteer firefighter members shall have the opportunity to earn pension-like and pre "Entitlement Age" death and disability benefits under the Service Award Program. The pension-like benefit, shall be a monthly payment accrued "Service Award" paid to a Participant with payments beginning after attainment of age 62 the "Entitlement Age", but not before a Participant earns at least one year of Service Award Program service credit for calendar years after calendar year 2019. The monthly payment accrued "Service Award" shall be equal to \$30 for each year of Service Award Program service credit earned. The maximum monthly payment shall be \$1,200. In the event that a Participant begins to be paid such monthly payments and then dies before receiving 120 monthly payments, the Participant's designated beneficiary (or estate if no beneficiary is selected) shall have the option to continue to receive the monthly payments until 120 payments have been received altogether or to immediately be paid a lump-sum payment equal to the discounted value of the remaining payments. By the adoption of a resolution, the Board of Fire Commissioners may add other actuarially equivalent forms of such monthly payments.

The pre "Entitlement Age" vested Participant death benefit shall be a lump-sum payable to the vested Participant's designated beneficiary (or estate if no beneficiary is designated) and shall be equal to the discounted value at the time of death of the actuarial present value of the vested Participant's accrued Service Award. A Participant, who is awarded benefit payments due to a total and permanent disability by the Social Security Administration or by any entity which pays benefits under the Volunteer Firefighters' Benefit Law or by any other authority approved by the Board of Fire Commissioners/SAC, shall be eligible to be paid a pre "Entitlement Age" disability benefit payment under the Service Award Program. Such disability benefit payment shall be a lump-sum payment to the Participant equal to the discounted actuarial present value of the Participant's accrued Service Award payable upon application by the Participant to and approval by the Board of Fire

Commissioners/SAC to pay Service Award Program disability benefits. The SAC/Board of Fire Commissioners may require a physician to certify such disability. If the participant was an active volunteer firefighter member of the Harrison Fire Department on the date the total and permanent disability is established by the authority approved by the Board of Fire Commissioners, in lieu of the disability set forth above, the disabled participant shall be entitled to begin to receive as of the first day of the month next following the date of establishment of such disability the service award the participant would have been paid upon attainment of the entitlement age. Such service award shall be based upon the number of years of service credit earned by the participant as of the date of establishment of such disability.

Section 5 A Participant's accrued Service Award shall become fully vested (i.e. a Participant shall obtain a nonforfeitable right to his or her accrued Service Award) after: he or she shall earn and shall not permanently forfeit Service Award Program service credit for at least five (5) years of active volunteer firefighter service; or, shall attain age 62 while an active volunteer firefighter; or, he or she shall be awarded a Service Award Program total and permanent disability benefit payment.

Section 6 As of December 31 of the year a non-vested Participant shall no longer be an active volunteer firefighter member of the Harrison Fire Department, the Participant's Accrued Service Award and earned service credit shall be forfeited. The forfeited earned service credit and Accrued Service Award of a person who shall no longer be an active volunteer member of the Harrison Fire Department shall be restored if the participant again becomes an active volunteer member of either the Harrison or West Harrison fire department within 5 years and subsequently shall earn a year of Service Award Program service credit under the Service Award Program Point System.

Section 7 A year of Service Award Program service credit shall be earned by a Participant for each calendar year after 2019 during which a Participant earns at least 50 "points" while an active

volunteer firefighter member of the Harrison Fire Department for participating in the volunteer firefighter activities set forth by the Board of Fire Commissioners/SAC in the Service Award Program "Point System" as authorized by Section 217 of Article 11-A of the General Municipal Law, and during which he or she agrees to participate in the Service Award Program. The Point System shall be set forth in writing and copies of the written explanation of the Point System shall be distributed to active volunteer firefighters. The Board of Fire Commissioners/SAC may amend the Point System from time to time provided such amendments are allowable under all applicable statutes, rules and regulations. In the event the Point System is amended by the Board of Fire Commissioners/SAC, a written explanation of the changes shall be distributed to active volunteer firefighter members within 60 days of the date such changes are adopted. A copy of the written point system explanation is attached to this resolution.

Section 8 Up to five years of service credit may be earned under the Point System by eligible Participants for service prior to January 1, 2020. To be eligible to earn credit for such service, a volunteer must earn a year of service credit during calendar year 2020, 2021, 2022, 2023, or 2024. An active volunteer firefighter member eligible to earn credit for service before January 1, 2020, who during calendar years 2015, 2016, 2017, 2018, or 2019, dies or becomes totally and permanently disabled shall be considered to have been a Participant at the time of his or her death or disablement and he or she shall be given credit for his or her otherwise allowable pre-2020 service if during calendar year 2020, 2021, 2022, 2023, or 2024 he or she was prevented by his or her death or disablement from earning service credit under the Point System (as determined by the Board of Fire Commissioners/SAC). Participants who earn years of service credit for years before calendar year 2020 shall be paid a \$20 service award for such years of service credit earned for years before calendar year 2018.

Section 9 Persons who commence to be or continue to be active volunteer firefighter members of the Harrison Fire Department after they attain the Entitlement Age and begin to be paid a Service Award shall have the opportunity to continue to earn service credit under the Point System. The additional monthly Service Award payment earned by a Participant during a calendar year shall commence to be paid as of January 1st in the next succeeding calendar year.

Section 10 Under Article 11-A of the General Municipal Law, the Harrison Water District No.2 shall be the Service Award Program “Sponsor” and the Board of Fire Commissioners shall be the “Trustees” of the Service Award Program Trust Fund. The Board of Fire Commissioners shall have the authority to manage or dispose of program assets and shall do so in the interest of the volunteer firefighters who participate in the program and the volunteer firefighters’ beneficiaries. The Board of Fire Commissioners may authorize individuals or entities to hold and invest the program assets. They may also seek investment counsel.

Section 11 The Board of Fire Commissioners may retain a qualified firm to assist them to administer the Program.

Section 12 The total calendar year 2020 annual cost, payable in calendar year 2021, of funding the Harrison Fire Department Service Award Program benefits is estimated to be about \$285,000 or about \$3,750 per firefighter, including the cost of administration. The estimated annual cost to administer the program for calendar year 2020 is about \$6,000. The annual cost for current firefighters is expected to decrease by about \$91,000 after ten years when the cost of service awards earned for service before January 1, 2020 shall be fully paid.

Section 13 Harrison Fire Department Service Award Program benefit payments shall commence to eligible firefighters after December 31, 2020 when they and/or their beneficiaries qualify for payment. No benefit shall be paid under the Program for a firefighter’s death occurring on or disability commencing prior to January 1, 2020.

Section 14 All other provisions of the Harrison Fire Department Service Award Program shall be in accordance with Article 11-A of the General Municipal Law as amended from time to time.

Section 15 The Harrison Fire Department Service Award Program shall also comply with all applicable federal laws including but not limited to compliance with those provisions of the Internal Revenue Code that shall result in the payment of federal income tax by a participating volunteer only after the participating volunteer or his or her beneficiary shall actually be paid a Service Award. Any additional provision of this Service Award Program required for such compliance not explicitly stated in the Program Documents shall be automatically be included within these provisions.

The appropriate officers of the Harrison Water District No. 2 are authorized to and shall take the necessary actions to carry out this resolution.

Commissioner Sciliano moved, Commissioner Dionisio seconded,
and the Harrison Water District No. 2, Board of Fire Commissioners voted as follows:

	IN FAVOR	OPPOSED
Commissioner Dionisio	AYE	_____
Commissioner Gordon	AYE	_____
Commissioner Sciliano	AYE	_____
Commissioner Belmont	AYE	_____
Commissioner Malfitano	ABSENT	

